

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

BAR-OR et al.

Serial No.: 09/678,202

Filed: September 29, 2000

Atty. File No.: 4172-3

For: "METAL-BINDING COMPOUNDS
AND USES THEREFOR"

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313



) Group Art Unit: 1653
)
) Examiner: David Lukton
)
) **RESPONSE TO COMMUNICATION**
) **FROM EXAMINER**
)
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TYPED OR PRINTED NAME: Christine Jacquet
SIGNATURE: Christine Jacquet

Dear Sir:

This Response is being filed in response to the communication from the Examiner having a mailing date of September 28, 2005. This response is filed within the one month shortened statutory period. Applicants therefore believe this response is timely filed and no fees are due.

In the event any fees are due, please debit Deposit Account No. 19-1970.

In the communication from the Examiner, the Examiner argues that Applicants' Amendment and Response filed July 4, 2005 is non-response in that the claims have been amended to encompass the treatment or prevention of damage caused by reactive oxygen species leading to neurodegenerative disease which is outside the scope of the previously elected species. In response, Applicants note that in the last Office Action, mailed February 14, 2005, the Examiner made rejections based upon prior art dealing with ischemia, cancer, ulcers, inflammation and, neurodegenerative diseases (see Saitoh and the Examiner's discussion of Saitoh at pages 22-28 in the most recent Office Action). Thus, the Examiner quite clearly searched beyond the elected species and apparently specifically searched neurodegenerative diseases.

However, the Examiner notes in the communication mailed September 28, 2005 that applicants may file an RCE in order to elect the new species encompassing ROS damage that occurs during, or as a result of, neurodegenerative disease. Therefore, Applicants submit herewith a RCE requesting the Examiner enter the amendments filed July 14, 2005 and consider Applicants' comments made therein in light of this newly elected species.

Respectfully submitted,

SHERIDAN ROSS P.C.

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Date: 28 Oct 2005